

### REMARKS

The claims are 1-3 with claim 1, the sole independent claim. Claim 1 has been amended as to matters of form only and such modification is unrelated to patentability.

Reconsideration of the claims is requested.

Claim 3 was rejected under 35 U.S.C. § 112, second paragraph as indefinite.

The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in paragraph 3 of the Office Action. Specifically, claim 3 has been amended to clarify that a sublayer of the displacement layer is intended. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Miyakoshi, et al.; U.S. Patent Publication No. 2004/0163097 (Miyakoshi '097). Claims 2-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyakoshi, et al. U.S. Patent Publication No. 2004/0163097.

To obviate Miyakoshi, '097 as a reference, a certified English translation of Japanese Patent Application No. 2002-351435 (JPA '435) is enclosed. JPA '435; from which the subject application claims priority benefits, was filed December 3, 2002, in Japan. Miyakoshi, '097 was filed in the U.S.P.T.O on November 24, 2003. It will be appreciated that JPA '435 supports the present claimed invention.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Peter Saxon/  
Peter Saxon  
Attorney for Applicant  
Registration No.: 24,947

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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